



United States Department of the Interior



FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

January 18, 2011

Mr. Kevin Wickey
State Conservationist
Natural Resource Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, West Virginia 26505

Re: Natural Resource Conservation Service Programmatic Consultation on Conservation Practices Implemented in West Virginia

Dear Mr. Wickey:

This responds to your letter dated November 30, 2010, transmitting and requesting concurrence on the programmatic consultation procedures contained in the document entitled *West Virginia NRCS Conservation Practice Effects on Threatened, Endangered, Candidate and Eagle Species for Planning and Program Implementation*. This document addresses all conservation practices utilized in West Virginia by the Natural Resources Conservation Service (NRCS).

The document outlines the potential effects of NRCS practices to all Federally-listed threatened and endangered species, candidate species, and eagle species that occur within West Virginia. In addition, it provides detailed avoidance measures, required conditions, and management considerations that when applied should be sufficient, in most cases, to avoid impacts to these species. It also outlines conditions when additional site-specific consultation with the U.S. Fish and Wildlife Service (USFWS) will be required.

The NRCS analyzed the potential impacts of each of these conservation practices on listed and candidate species and eagle species in West Virginia. In 26% of the practice/species combinations evaluated, NRCS determined that the practice will have "no effect" on the species, usually because the practice is unlikely to occur in habitat that could support the species. In 67% of the practice/species combinations evaluated, NRCS determined that the practice is "not likely to adversely affect" the species when the listed avoidance measures and required conditions are implemented. In the remaining 7% of cases, additional project-specific coordination with the USFWS will be required. A matrix that details the potential effect of each NRCS practice on each species is included within the document.

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The USFWS has reviewed this document and the determinations and is providing these comments pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. § 1531 *et seq.*) and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. § 668).

We concur with the effects determinations NRCS outlined in the document and that the process and procedures established by this programmatic consultation will facilitate NRCS's compliance with the ESA and the BGEPA in West Virginia. With the full implementation of these procedures, we anticipate that adverse effects from implementation of NRCS practices to threatened and endangered species, candidate species, and the bald or golden eagle will be minimized. In addition, we anticipate that implementation of these procedures and guidance measures may result in beneficial effects to these species through restoration and rehabilitation of habitat.

We will continue to work with your office and the West Virginia Division of Natural Resources to fully implement all the measures described in the 2010 Memorandum of Understanding signed by our agencies, including the development of an Interagency Consultation Tool which should allow for more streamlined and efficient completion of ESA section 7 consultations for individual projects. The USFWS sincerely appreciates the dedication and cooperative efforts of your staff in developing these procedures. We anticipate that implementation of this approach should result in expedited project reviews and increased on-the-ground conservation benefits for eagles, and Federally-listed and candidate species. If you have any questions regarding this letter, please contact Ms. Barbara Douglas of my staff, at (304) 636-6586, Ext. 19 or at the letterhead address.

Sincerely,

A handwritten signature in cursive script, reading "Deborah Carter". The signature is written in dark ink and is positioned above the printed name and title.

Deborah Carter
Field Supervisor